

REMARKS

Claims 11, 16-18, 21, 28-32, 46-50, and 54-62 are pending. Claims 11, 16-18, 21, 28-32 and 46-50 stand withdrawn from consideration. By this Amendment, claims 56 and 60 are cancelled and claims 28-32, 46-50, 54, 57- 59, 61 and 62 are amended. No new claims are added. Support for the amendments made can be found throughout the specification and drawings, for example, at pages 10-11.

35 USC §112

Claims 56 and 60 were rejected under 35 USC §112. By this amendment, claims 56 and 60 are cancelled. Applicant respectfully requests that the rejections under 35 USC §112 be withdrawn.

35 USC §102

Claims 54-57 and 59-61 were rejected as being anticipated by Ross. Applicant respectfully traverses this rejection. Ross does not disclose assaying neurotransmitter levels of the subject. Ross only discloses laboratory testing of *amino acid* levels. Amino acids can include but are not necessarily neurotransmitters. Independent claims 54 and 59 as amended both recite that “a first serotonin neurotransmitter level and a first catecholamine neurotransmitter level” are assayed. This limitation along with the other limitations recited in claims 54 and 59 are not disclosed or suggested by Ross. Applicant respectfully requests that the Examiner withdraw the rejection.

Claims 54-57 and 59-61 were rejected as being anticipated by Siirtola. Applicant respectfully traverses this rejection. Siirtola does not disclose assaying neurotransmitter levels of a subject. Siirtola only discloses assaying metabolites of levodopa and not neurotransmitter levels as recited in independent claims 54 and 59. Further, Siirtola does not teach or disclose treating the serotonin system as recited in claims 54 and 59. Claims Applicant respectfully requests that the Examiner withdraw the rejection.

Claims 54 and 56-57 were rejected as being anticipated by 1A Technology. By this amendment claim 54 has been amended to recite the limitations “administering a first therapeutic amount of a first monoamine amino acid neurotransmitter precursor of the serotonin system and a second monoamine amino acid precursor of the catecholamine system to the subject substantially simultaneously” and “assaying a bodily fluid of the subject to determine a first serotonin neurotransmitter level and a first catecholamine neurotransmitter level of the subject in the bodily fluid.” These limitations are not taught or suggested by the reference. Therefore, claim 54 as amended is now patentable over the cited reference. Claims 55-58 and claims 28-32 depend from claim 54 and should be patentable for at least the same reasons as claim 54. Claims 61-62 and claims 46-50 depend from claim 59 and should be patentable for at least the same reasons as claim 59. Applicant respectfully requests that the Examiner withdraw the rejections.

35 USC §103

The Examiner rejected claims 54-62 under 35 U.S.C. §103(a) as being unpatentable over Siirtola in view of Ross.

As indicated above, Applicant has amended claims 54 and 59 to recite limitations that are not disclosed or suggested by either the Ross or Siirtola reference. Applicant also respectfully submits that both independent claims have been amended to recite repeating steps until “a therapeutic range of the serotonin and catecholamine neurotransmitter levels is achieved wherein small increases in dosage of the first monoamine amino acid neurotransmitter precursor results in a large increase in the serotonin neurotransmitter levels and small increases in dosage of the second monoamine amino acid precursor results in a large increase in the catecholamine neurotransmitter levels in the bodily fluid.” This limitation is not disclosed or suggested in either the Siirtola or the Ross references. It is also respectfully noted that the claims now recite “administering a first therapeutic amount of a first monoamine amino acid neurotransmitter precursor of the serotonin system and a second monoamine amino acid precursor of the catecholamine system to the subject.” As is known to those of ordinary skill in the art, monoamine amino acid neurotransmitter include only one amino group and include the substances histamine glutamine, serotonin, norepinephrine, dopamine and epinephrine.

Other Amendments

Withdrawn claims 28-32 have been amended to depend from claim 54 and withdrawn claims 46-50 have been amended to depend from claim 59.

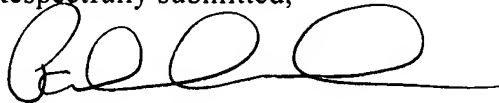
Double Patenting

Applicant acknowledges the provisional double patenting rejection raised by the Examiner. Applicant will provide an appropriate terminal disclaimer if claims are allowed and if double patenting is still an issue given the amendments made to the claims.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. C. Onderick', with a long horizontal flourish extending to the right.

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